

**REMARKS**

In response to the Office Action dated August 10, 2005, Applicants submit the following remarks. The three-month extended deadline for filing a response falls on February 10, 2006. A three-month Petition for Extension of Time and the required fee are filed herewith. Therefore, Applicants believe that this response is being timely filed. In the event that there are any additional fees required in connection with this response, please charge any necessary fee to Deposit Account No. 23-2415, referencing Docket No. 30797-717.201.

In view of the remarks and amendments submitted herein, Applicants believe that the Application is in condition for allowance and such favorable action is earnestly solicited.

By the above amendments, Applicants have amended the Claims to expedite prosecution of the subject application. However, Applicants reserve the right to resubmit the cancelled subject matter in one or more continuation applications.

In the Office Action, the Specification was objected to for allegedly lacking a "Summary of the Invention" section and for allegedly listing a brief description of the drawings at the end of the Specification. Applicants respectfully note that a corrected specification was submitted on May 30, 2002. In the corrected specification, Applicants included a Summary of the Invention heading and moved the brief description of the drawings section to the appropriate portion of the Specification. Accordingly, withdrawal of the objections to the Specification is believed to be in order. Such action is respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. §112 second paragraph as allegedly being indefinite. The claims have been revised consistent with the Examiner's suggestions. Accordingly, Applicants believe that the rejection has been obviated and withdrawal thereof is respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. §112 first paragraph based on alleged lack of enablement. In addition, Claims 1-13 were rejected under 35 U.S.C. §112 first paragraph for allegedly failing to comply with the written description requirement.

In order to expedite prosecution of the subject application, the claims have been revised to recite a vaccine composition containing TGF $\alpha$ , wherein said TGF $\alpha$  comprises the amino acid sequence of SEQ ID NO 2 (i.e., the amino acid sequence shown in Figure 1). Accordingly, it is

believed that the rejections under the first paragraph of §112 have been obviated. Thus, withdrawal of the rejections is believed to be in order, and such favorable action is earnestly solicited.

Claims 1, 3, and 13 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gonzalez *et al.*(a) (Gonzalez, G. *et al.* Annals of Oncology, 9: 431-435, 1998). Claims 1, 3, 12 and 13 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gonzalez *et al.* (b) (Gonzales, G. *et al.*, Vaccine Research, 6(2): 91-100, 1997). Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by either Heimbrook *et al.* (Heimbrook, D.C. *et al.*, Proc. Natl. Acad. Sci., USA, 87:4697-4701, 1990) or Kunwar (Kunwar, S. *et al.*, J. Neurosurg., 79:569-576, 1993) as allegedly evidenced by Chaudhary *et al.* (Chaudhary, V.K. *et al.*, Proc. Natl. Acad. Sci., USA, 84 pp 4538-4542, 1987). These rejections raise similar issues and are therefore addressed as a group.

The rejections under 35 U.S.C. §102(b) based on the references relied upon in the Office Action are traversed in as much as they are applied to the claims as presently amended for at least the following reasons.

All the rejections appear to be based on an unduly broad interpretation of the claims as set forth prior to the present amendments. In particular, the Office Action asserts that derivatives of TGF $\alpha$  include molecules that would share as little as a single atom with the parent molecule (TGF $\alpha$ ). While Applicants strenuously disagree with this interpretation of the claims, Applicants have amended Claim 1 to recite a TGF $\alpha$  molecule comprising the amino acid sequence of SEQ ID NO 2.

None of the references relied upon in the Office Action suggest much less disclose every feature of the presently claimed invention. In particular, none of the references suggest a vaccine composition containing TGF $\alpha$ , wherein the TGF $\alpha$  comprises the amino acid sequence of SEQ ID NO 2, coupled with a carrier protein, wherein the vaccine is able to produce a specific immune response against the TGF $\alpha$ .

Thus, withdrawal of the rejections under 35 U.S.C. §102(b) is believed to be in order. Such action is respectfully requested.

Claims 1-13 were provisionally rejected under the judicially created doctrine of obviousness- type double patenting as allegedly being unpatentable over Claims 7, 10, 11, 12, 23 and 26 of Application No. 10/005,341. Applicants respectfully request that this rejection be stayed in abeyance until the Office indicates that the present Application is otherwise in condition for allowance. At such time, Applicants will file a Terminal Disclaimer, if appropriate.

**CONCLUSION**

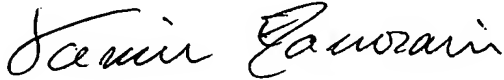
Applicants respectfully request prompt and favorable action with regard to pending claims 1 through 13.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2337.

Respectfully submitted,

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